

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 647 of 2002

Petitioner	Smt. Durga Vati Pandey, aged 52 years, residence of Near Shyam Talkies, Sanichari Bazar, Bilaspur.
Versus	
Respondents	1. State of Chhattisgarh, through its Secretary, School Education, D. K. S. Bhawan, Raipur (C.G.).
	2. District Education Officer, Composite Building, Bilaspur (C.G.).
	3. Principal, St. Joseph H.S.School, Link Road, Bilaspur (C.G.).

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Prakash Tiwari, Advocate for the petitioner.

Shri Pankaj Shrivastava, Panel lawyer for the Respondents No.1 and 2.

Shri Neeraj Choubey, Advocate for the Respondent No.3.

ORAL ORDER

(6th January, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Learned counsel for the petitioner submits that the petitioner was appointed as Teacher of Sanskrit subject by oral order of the Respondent No.3. Thereafter the petitioner was removed after a period of 9 years by oral order. According to the petitioner neither appointment order nor removal order was passed. The petitioner further submits that the services of the petitioner has been removed orally without following the principles of natural justice and as such the oral removal is bad in law and illegal.
2. Learned counsel for the Respondent No.3- School in its return, filed on 24.11.2003, admits the appointment of the petitioner on contract basis, in the following terms:-

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"A temporary arrangement was made to teach Sanskrit subject on contract basis only."

3. It is clear from the reading of the return/reply of the Respondent No.3 that the petitioner was appointed and the petitioner continued to work for some period, though it does not specify for how much period, the petitioner had worked. It requires investigation, which cannot be done on the basis of the contrary affidavits filed by the parties in this proceeding.
 4. Be that as it may, the petitioner has filed this petition seeking a direction against the respondents to decide the representation/application Annexure P/2 and P/3 filed before the Respondents No. 2 and 3, respectively, within a stipulated period.
 5. In view of the foregoing, the petition is allowed. The respondents No. 2 and 3 are directed to consider the representation dated 1.10.2001 (Annexure P/2), addressed to the Respondent No.2 and the representation dated 23.1.2002 (Annexure P/3), addressed to the Respondent No.3, within a period of six weeks from the date of receipt/production of a copy of this order. No order as to costs.
 6. The petitioner would be at liberty to take appropriate proceedings after her representations are decided by the Respondents No. 2 and 3.
- Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge